

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WALGREEN CO.,)	
)	
Plaintiff,)	C.A. No. 16-1040-SLR
)	
v.)	JURY TRIAL DEMANDED
)	
THERANOS, INC.,)	
)	
Defendant.)	

THERANOS, INC.'S MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Theranos, Inc. hereby moves to dismiss (1) Counts I-II of the Complaint insofar as they relate to the convertible note and (2) Count III in its entirety. The grounds for this motion are set forth more fully in the Opening Brief being filed contemporaneously herewith.

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